

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 20, 2005

Division: BOCC-1

Bulk Item: Yes X No

Department: BOCC-1

Staff Contact Person: Jana Johnson-Willi

AGENDA ITEM WORDING: Discussion and approval of the Board of County Commissioners to waive the mitigation fee and permit fee for removal of native trees from a resident lot in Summerland Key for donation to Key West Botanical Garden. Staff provided documentation outlining the proposed mitigation and associated fees.

ITEM BACKGROUND: The family of Marge Brown from Summerland Key wishes to donate many trees to the Botanical Gardens on Stock Island. There are approximately 50 trees and shrubs planted by owner on the property.

PREVIOUS RELEVANT BOCC ACTION:

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY: N/A

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL: Dixie M. Spehar
MAYOR DIXIE M. SPEHAR

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #

March 14, 2005

To the Monroe County Commissioners,

I am sorry that I cannot attend your March 2005 County Commissioners' Meeting meeting, so I am writing to express my concerns about the rescuing of the trees and shrubs from my parents' property, located at 1336 Calle Bogota, on Summerland Key.

Now that both of my parents have passed away, my sister and I are planning on selling their property, as we live with our families and have professional lives that keep us far from the Florida Keys. On the property are about fifty trees and shrubs, of which many are endangered or threatened species. These are plants that my mother nurtured from seed, raised from cuttings that she rooted, or purchased from native plant nurseries. Some of them were planted over thirty years ago, and have survived several hurricanes, droughts, and other ravages of nature, all the while nurtured by my mother.

As I am sure you are aware, my parents were staunch protectors of the environment. They worked hard over the years to advocate for the security of Monroe County's natural bounty. Before my mother died, she was so thrilled to see Ohio and Rachel Carson Keys be dedicated as a National Wildlife Refuge, as saving that land from development was a thirty-year mission for her. On a more personal scale, it was my mother's wish that her trees be saved after she was gone, so I have been in the Keys, planning with Monroe County biologists, the staff at McCoy Indigenous Park, and the Key West Botanical Garden to see that her trees and shrubs can be transplanted to safer homes in public gardens where they can be enjoyed by her family, friends, Keys residents and visitors alike.

My sister and I have seen the old oceanfront homes of Summerland Key be torn down and replaced by much larger structures. Our parents' relatively modest home, at least by today's standards, will surely go the same way. We wish not only to ensure that these plants are saved, but that we may have places to visit in the Keys where we can see our mother's trees live on, and thrive.

I am asking that you consider waiving any permitting and mitigation fees in this case. I have had to go to great expense to try and save these treasured plants. It seems like a harsh irony on top of all of our efforts to save them from possible destruction, to then have to pay a substantial fee that is usually designated for the destruction of plant materials, not for their ultimate protection.

I greatly appreciate your consideration on this important personal matter.

Sincerely,

Marechal Brown
46 Grand Street
Brooklyn, New York 11211
718-963-1961



BOARD OF COUNTY COMMISSIONERS

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Mayor Pro Tem Charles "Sonny" McCoy, District 3
George Neugent, District 2
David P. Rice, District 4
Murray E. Nelson, District 5

March 21, 2005

Margaret Rulon Brown
1446 Calle Bogota
Summerland Key, FL 33042

RE: Permit Status for Permit # 051-1106 Lot 14 & 15 Summerland Beach Addition 7,
Summerland Key, Florida
Real Estate No. 00198710.000000 & 00198720.000000

Dear Mrs. Brown;

Per your building permit application dated March 06, 2005 the Key West Botanical Garden plans to transplant various vegetation from your property at 1446 Calle Bagota, Summerland Key to the Botanical Garden site in the City of Key West. Under current regulations this type of action would require that the applicant transplant the vegetation on site at a ratio of 2:1 or simply move the vegetation out side the development footprint. Per previous conversations with representatives from the Botanical Garden that is not the desired option at this time. The code does provide an alternative in the form of mitigation in the amount of 315% of the retail cost of each tree being removed at a ratio of 3:1. This mitigation shall be paid to Monroe County and shall be placed in a fund to purchase vegetation for County funded restoration projects throughout the Keys. A third option will be available as of March 25, 2005. This option is a result of a new ordinance which replaces our current transplantation section of the code. Under this new ordinance the applicant may remove native vegetation and pay mitigation to Monroe County in the amount equal to the retail cost of each tree at a ratio of 2:1. This option is certainly the least expensive to the applicant and does not require onsite transplantation. Please find attached a summary of the mitigation fees which will be owed at the time of permit issuance. These fees are calculated under the guidelines of the new ordinance, thus the permit may not be issued until March 25, 2005, the effective date of the new ordinance. Payment is to be made to Monroe County in the form of check or cash.

This document is for informational purposes only. It does not assign or guarantee any development rights or the timing of such rights. The information contained herein is accurate as of the date of this correspondence and is subject to change.

If you have any questions regarding these parcels, or if you require further assistance, please do not hesitate to contact me at (305) 289-2500.

Sincerely,

Andrew Omer Trivette
Sr. Biologist, Environmental Resources

cc: City of Key West Horticultural Staff
K. Marlene Conaway, Director of Planning and Environmental Resources
Ralph Gouldy, Senior Administrator, Planning and Environmental Resources
Alison Trivette, Administrative Assistant
File



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Permit # 061-1106 Mitigation Fees for Land Clearing			
Trade Name - to be removed from site	Size	Mitigation Fee	Total Fee
Lignum Vitae	16'	\$355.00	\$710.00
Coontie	3'	\$23.17	\$46.34
Brittle Thatch Palm	2'	\$21.90	\$43.00
Coco Plum	20'	\$0.00	\$0.00
Hibiscus	18'	\$0.00	\$0.00
Sweet Acacia	12'	\$55.00	\$110.00
Mangrove Rubber Vine		\$0.00	\$0.00
Necklace Pod	4'	\$0.00	\$0.00
Saffron Plum	16'	\$163.67	\$367.34
Bay Cedar	4'	\$69.50	\$139.00
Seven year Apple	10'	\$57.00	\$114.00
Geiger Tree	6'	\$39.75	\$79.50
Bahama Senna	3'	\$0.00	\$0.00
Pisonia	4'	\$53.41	\$106.82
Black Ironwood	3'	\$15.00	\$30.00
Jamaica Caper	12'	\$81.33	\$162.66
Geiger Tree	10'	\$72.25	\$144.50
Brittle Thatch Palm	9'	\$315.00	\$630.00
Gumbo Limbo	20'	\$135.25	\$272.50
Spanish Stopper	9'	\$60.00	\$120.00
Wild Lantana	6'	\$8.00	\$16.00
Joewood	10'	\$162.74	\$325.48
Joewood	8'	\$150.00	\$300.00
Joewood	7'	\$150.00	\$300.00
Joewood	3'	\$17.50	\$35.00
Calabash Tree	10'	\$0.00	\$0.00
Florida Thatch Palm	8'	\$79.50	\$159.00
Limber Caper	2'	\$12.50	\$25.00
Large Palm	25'	\$0.00	\$0.00
Wild Tamarind	18'	\$128.75	\$257.50
Jamaica Dogwood	20'	\$167.50	\$335.00
Mahogany	16'	\$149.75	\$299.50
Blackbead	17'	\$250.00	\$500.00
Buccaneer Palm	8'	\$250.00	\$500.00
Silver Palm	4'	\$20.00	\$40.00
Brittle Thatch Palm	6'	\$49.00	\$98.00
Piegon Plum	6'	\$44.34	\$88.68
Coontie	2'	\$23.17	\$46.34
Florida Thatch Palm	9'	\$79.50	\$159.00
Wild Dilly	6'	\$53.41	\$106.82
Locust Berry	7'	\$64.50	\$129.00
Jamaica Caper	9'	\$81.33	\$162.66
Wild Lime	3'	\$15.00	\$30.00
Baobab Tree	12'	\$0.00	\$0.00
Kopsia	12'	\$0.00	\$0.00
Bloodberry	3'	\$0.00	\$0.00
Totals		\$3,614.72	\$7,229.44
Total Amount Due			\$7,229.44